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January 21, 2022

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Judge  
40 Foley Square  
New York, NY 10007

Re: Docket No. 1:21-cv-06783 (PAE)  
Savino Del Bene U.S.A., Inc. v. Dhrudhra Holdings Inc.

Honorable Sir:

We are the attorneys for the plaintiff, Savino Del Bene U.S.A., Inc. ("Savino" or "Plaintiff"). We submit this letter to request a pre-motion conference to compel defendant, Dhrudhra Holdings Inc. ("Dhrudhra" or "Defendant") to provide its Rule 26(a) Initial Disclosure which it thus far has failed to do in violation of the Court's Civil Case Management Plan and Scheduling Order ("Order") dated November 17, 2021. (Dkt. No.7).

Under the Order Defendant's Initial Disclosure was due on December 1, 2021, 14 days after the date of the Order. Defendant has failed to make its Initial Disclosure in violation of the Order. The undersigned has attempted to resolve this matter with Defendant's counsel both in writing and in telephone calls, but Defendant has failed to provide a definite date by which it will make this overdue disclosure.

By way of brief background, Savino acted as a non-vessel operating common carrier ("NVOCC") in arranging for the carriage of Dhrudhra's cargo for which Dhrudhra agreed to pay freight and other charges incurred in connection with the shipments. This action concerns Savino's maritime claim against Dhrudhra for unpaid freight and other charges as invoiced to Defendant in the sum of \$54,461.78, plus interest. In its Answer filed on October 12, 2021 (Dkt. No. 4), Dhrudhra's main defense was that Savino allegedly failed to account for payments made and that Savino is purportedly attempting to sue for such amounts already paid.

On December 1, 2021, we served Savino's Rule 26 (a) Initial Disclosure by regular mail and e-mail upon Defendant's counsel. Prior to that on November 5, 2021, we had produced in informal discovery Savino's documents relating to all payments made by Dhrudhra, a statement showing the invoices to which those payments were applied, along with copies of all the paid invoices (with the unpaid invoices previously provided as an exhibit to the Complaint). To date, Defendant has provided no information or documentation concerning precisely which payments it alleges Savino did not properly credit to it in this suit.

Hon. Paul A. Engelmayer  
United States District Judge

-2-

January 21, 2022

Accordingly, if this matter cannot be resolved at an informal conference with the Court, then Savino respectfully requests permission to file a motion to compel production of the Initial Disclosure, Fed. R. Civ. P. Rule 37 (a) (3) (A), and for sanctions, including reasonable attorneys' fees, see Fed. R. Civ. P. 37 (a) (5) (A).

Respectfully yours,

CARDILLO & CORBETT

By: James P. Rau  
James P. Rau

cc: Zachary Scott Kaplan, Esq. (via ECF)  
Sacco & Fillas, LLP  
Attorneys for Defendant

Defendant's response is due January 24, 2022. SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER  
United States District Judge  
January 21, 2022